

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 18, 2002**

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., September 18, 2002, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Don Stapley, Chairman; Fulton Brock, Vice Chairman; Andy Kunasek, Max W. Wilson, and Mary Rose Wilcox. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Administrative Officer; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

INVOCATION

Helen Purcell, County Recorder, delivered the invocation.

PLEDGE OF ALLEGIANCE

Karen Osborne, Elections Department, led the assemblage in the Pledge of Allegiance.

PROCLAMATION - ARIZONA FOOD SAFETY EDUCATION MONTH

Al Brown, Director of Environmental Services, listed some of the many things his department has done to increase food safety for Maricopa County residents, and some of the awards they have received. He said that the number of food-borne illnesses have decreased while the number of diseases have increased. It took the efforts of many people to keep the health risks so low. He stated that all food managers in the State of Arizona must be certified, and Arizona was one of the first states to demand this. He informed the Board that there is a national website where health complaints can be registered and that the County's website for complaints may be found at <http://www.maricopa.gov/envsvc/Complaint.asp>. (ADM654)

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to proclaim September 2002 as Arizona Food Safety Education Month. (This is Addendum item A-1.)

**PROCLAMATION NAMING SEPTEMBER 2002
ARIZONA FOOD SAFETY EDUCATION MONTH**

WHEREAS, on behalf of the citizens of Maricopa County, we are pleased to join with the Serve It Safe Arizona Alliance, a coalition of Arizona health departments, the Arizona Restaurant Association and retail grocers that protect citizens in this county from foodborne illness, and

WHEREAS, an estimated 76 million cases of disease, 323,000 hospitalizations and 5,000 deaths related to foodborne illness occur each year in the United States, and

WHEREAS, Maricopa County performs more than 56,000 inspections of restaurants, supermarkets, school cafeterias, hospitals, and establishments where food is prepared and served in the county, and

WHEREAS, the tireless efforts made by the dedicated men and women who are trained to prepare and handle food safely in restaurants, supermarkets, school cafeterias, hospitals and everywhere food is prepared and served in this county deserve praise and recognition:

NOW, THEREFORE, BE IT RESOLVED that the Maricopa County Board of Supervisors does hereby proclaim September 2002 as Arizona Food Safety Education Month and encourage safe food-handling and preparation now and throughout the year.

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DATED this 18th day of September 2002.

/s/ Don Stapley, Chairman of the Board
/s/ Fulton Brock, District 1
/s/ Andy Kunasek, District 3
/s/ Max Wilson, District 4
/s/ Mary Rose Wilcox, District 5

ATTEST:
/s/ Fran McCarroll, Clerk of the Board

RESOLUTION CALLING FOR ESTABLISHMENT OF A REGIONAL TRANSPORTATION DISTRICT IN ARIZONA'S MOST POPULOUS METROPOLITAN AREAS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to adopt Resolution No. MCDOT 02-07, (This is Addendum item A-2.) (ADM2053) (C6403067M00)

**RESOLUTION
MCDOT 02-07**

**RESOLUTION OF MARICOPA COUNTY BOARD OF SUPERVISORS
CALLING FOR ESTABLISHMENT OF A
REGIONAL TRANSPORTATION DISTRICT
IN ARIZONA'S MOST POPULOUS METROPOLITAN AREAS**

WHEREAS, there is currently a void when it comes to the programming, deployment, operations and maintenance of a regional, integrated, multimodal transportation system, and

WHEREAS, the Governor's Vision 21 Transportation Task Force was charged with creating a vision for transportation in Arizona for the 21st century and establishing the foundation of a plan to achieve that vision, and

WHEREAS, in its findings, the Task Force adopted ten recommendations, and among these was the recommendation that Regional Transportation and Land Use Districts be established in the large urban areas of Arizona to address regional, multimodal transportation requirements and other related issues of regional importance, and

WHEREAS, an effective regional transportation program will require dedicated funding sources commensurate with regional transportation system needs, and

WHEREAS, the Legislature may soon be called upon to consider whether to provide for extension of the ½ cent excise tax for transportation in Maricopa County and, if so, what direction to provide for how such funds may be expended, and

WHEREAS, the Board of Supervisors is the only existing elected body, directly accountable to the voters, with a jurisdictional range that encompasses the entire metropolitan region and that may act in the regional interest, independent of local interests.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors supports:

1. Establishment by the Legislature of a Regional Transportation District in Maricopa County as recommended by the Governor's Vision 21 Transportation Task Force.

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2. Establishment of the Regional Transportation District prior to Legislative action on funding for regional transportation to ensure that funding will be coordinated with regional governance.
3. Establishment of the Board of Supervisors as the Board of Directors for the Regional Transportation District.
4. That a public referendum be held to affirm the funding and governance thereof.

UNANIMOUSLY PASSED AND ADOPTED by the Maricopa County Board of Supervisors, Maricopa County, Arizona, this 18th day of September 2002.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

BEARDLSEY WATER COMPANY PUBLIC SERVICE FRANCHISE

This was the time scheduled for hearing on the application filed by Beardsley Water Company. for a public utility franchise to construct, maintain and operate water lines, etc., for a period of 25 years or for a period of one year after the franchised area or a portion thereof is annexed by a municipality, whichever is shorter, for the transmission and delivery of water for domestic use along, upon, under and across public highways, roads, alleys and thoroughfares (excepting State highways) within that portion of Maricopa County, Arizona, known and described as follows, to-wit: (F23053)

Parcel No. 1: That portion of the west one-third of the west two-thirds of the Southwest quarter of Section 30, Township 5 North, Range 3 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at the Southwest corner of said Section 30;
Thence North 00 degrees 03 minutes 49 seconds east along the west line of said Section 30, a distance of 1269.00 feet;
Thence South 37 degrees 32 minutes 57 seconds east, a distance of 689.62 feet;
Thence South 09 degrees 00 minutes 00 seconds east, a distance of 156.00 feet;
Thence South 28 degrees 54 minutes 00 seconds east, a distance of 284.00 feet to a point on the east line of said west one-third of the west two-thirds of the southwest quarter of Section 30;
Thence South 00 degrees 03 minutes 43 seconds west along said east line, a distance of 320.00 feet to the southeast corner of said west one-third of the west two-thirds of the southwest quarter of Section 30;
Thence North 89 degrees 57 minutes 17 seconds west along the south line of said Section 30, a distance of 583.00 feet to the POINT OF BEGINNING.

EXCEPT the oil, gas and mineral rights, as set forth in instrument recorded in Book 418 of Deeds, Page 588, records of Maricopa County, Arizona.

Parcel No. 2: The west one-third of the west two-thirds of the southwest quarter of Section 30, Township 5 North, Range 3 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

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EXCEPT that portion thereof, described as follows:

BEGINNING at the southwest corner of said Section 30;
Thence north 00 degrees 03 minutes 49 seconds east along the west line of said Section 30, a distance of 1269.00 feet;
Thence south 37 degrees 32 minutes 57 seconds east, a distance of 689.62 feet;
Thence south 09 degrees 00 minutes 00 seconds east, a distance of 156.00 feet;
Thence south 28 degrees 54 minutes 00 seconds east, a distance of 284.00 feet to a point on the east line of said west one-third of the west two-thirds of the southwest quarter of Section 30;
Thence south 00 degrees 03 minutes 43 seconds west along said east line, a distance of 320.00 feet to the southeast corner of said west one-third of the west two-thirds of the southwest quarter of Section 30;
Thence north 89 degrees 57 minutes 17 seconds west along the south line of said Section 30, a distance of 583.00 feet to the POINT OF BEGINNING;

EXCEPT the oil, gas and mineral rights as set forth in instrument recorded in Book 418 of Deeds, Page 588, records of Maricopa County, Arizona.

Parcel No. 3: The east half of the west two-thirds of the west two-thirds of the southwest quarter of Section 30, Township 5 North, Range 3 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT the south 373.57 feet thereof; and

EXCEPT the oil, gas and mineral rights, as set forth in instrument recorded in Book 418 of Deeds, Page 588, records of Maricopa County, Arizona.

Parcel No. 4: The east one-third of the west two-thirds of the southwest quarter of Section 30, Township 5 North, Range 3 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT the South 373.57 feet thereof; and

EXCEPT the oil, gas, and mineral rights, as set forth in instrument recorded in Book 418 of Deeds, Page 588, records of Maricopa County, Arizona.

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to grant the said franchise as applied for and to impose such restrictions and limitations upon said applicant as to the use of such public highways, roads, alleys and thoroughfares as may be deemed best for the public safety and welfare and to include in such franchise the statutory provisions set forth in Title 40, Chapter 2, Article 4, A.R.S., 1956, requiring the grantee of said franchise to pay such expenses, damages and compensations, if any, as may result from the use and operation of said franchise and as in said statute specified.

CODE ENFORCEMENT REVIEW

Chairman Stapley announced that this was the time scheduled for oral argument in the review of the Hearing Officer's Order of Judgement in the following code enforcement violation cases. Oral argument will be permitted for both sides. He asked if any speakers had registered to speak. (ADM3417-06)

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- i. Leo R. Leroy, 34515 West Baseline Road, Parcel No. 401-42-010F (east half), Code Enforcement Case No. V2001-0041. (ADM3417-13)
- ii. Donald Hutman, 34515 West Baseline Road, Parcel No. 401-42-010F (west half), Code Enforcement Case No. V2001-0718. (ADM3417-12)

Donald Hutman came forward and said that Mr. Leroy was unable to attend. Mr. Hutman reported that he had moved on this parcel in 1979 and there were items already on the land from two landing strips previously located there. Additionally, there was a large well and old farm machinery, etc. on the property. He said that Mr. Leroy had asked if he could store more cars on it and was told it was okay to do this. Mr. Hutman explained that this parcel is isolated and surrounded by Bureau of Land Management land for two miles all around the property.

Joy Rich, Director of Planning and Development, responded that originally it was thought to be one parcel with two parties as owners but it was discovered in July 2001 that there were actually two parcels with two owners, and that neither of the parcels had been surveyed to legally split the parcel. She said Planning received complaints on it as a salvage yard early in 2001 and that it was not zoned for that use. She explained that Mr. Hutman had been notified as early as February 2001 that he was in violation and pictures had been taken in March of 2001 of conditions at the site. An order to comply was issued with no improvements being made. In July 2001 a Hearing Officer ordered compliance within 6 months, with an order to remove cars, refrigerators, washers, etc. and clean up the site. Mr. Hutman was told that if this was done the fine of \$300 plus per day would be lifted. Little or no attempt was made to bring the property into compliance. Ms. Rich indicated that Mr. Hutman was told he could have applied for rezoning which might have brought such a site into compliance but he had not done so. In July 2002 an order to show cause of his non-compliance was issued by the Hearing Officer but Mr. Hutman and Mr. Leroy failed to show cause. Ms. Rich indicated that Mr. Hutman did not appeal the original order but only the July 2002 order to show cause.

Mr. Hutman responded that he had not received the earliest communications because Planning and Zoning had sent them to a Star Route No. in Buckeye, an old address for him, and that they had to know about that because all of the certified letters were returned to them. He said he didn't know about the non-compliance until a notice was posted on the property. He then said he is too old to clean up the property and that Mr. Leroy is even older and not in good health. He indicated they have moved a few things out and asked how all that work could be done.

Chairman Stapley said that the Board was not able to advise him on what to do but only to decide whether or not to uphold the Hearing Officer's order. He added that he believed Mr. Hutman had had ample time to bring his property into compliance.

Supervisor Wilcox said that the two men had moved there a long time ago and were used to the way things used to be but they had to realize that more and more people were moving into the area and the site was an eyesore and had to be cleaned up and brought into compliance. She asked him to devise a plan stating how he and Mr. Leroy would get rid of all of the junk and clean the site up within three months and then make their best effort to do so and show positive results at the end of that period or else the violation and fine would be enforced. She advised Mr. Hutman and Mr. Leroy (who had just arrived) to meet with the Planning and Zoning Department to work this out.

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to continue this matter to the first appropriate formal Board meeting in January 2003. Mr. Hutman was

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instructed that he had more than three months to present a plan to Planning and Zoning and to comply with the hearing officer's judgment by getting rid of the accumulation of articles on both properties. If results are not forthcoming by that time the order of judgment will be enforced.

PUBLIC HEARING - ENVIRONMENTAL SERVICES

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Brock, seconded by Supervisor Wilcox and unanimously carried (5-0) and approve proposed revisions to Chapters II (Sewage & Waste), & V (Water Supply) of the Maricopa County Environmental Health Code (MC Ordinance P-14). The Code amendments will reflect recent changes to the Arizona Administrative Code and Department reference clarification. These revisions will align the Maricopa County Environmental Health Code with recent changes to Arizona Administrative Code without affecting permit fees. Prior to acquiring Board of Health approval, information and public comments were gathered, then incorporated into the proposed revisions via Department initiated stakeholder meetings. (C88030027) (ADM2102)

LIQUOR LICENSE APPLICATIONS

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Kunasek, to recommend approval of the following liquor license applications a, b, and d:

- a) Application filed by Kimberly Meagher for a Special Event Liquor License: (F22997)

Business Name: Wildhorse Ranch Rescue
Location: 11811 South Lindsay Road, Gilbert
Date and Time: Friday, September 20, 2002; 6:00 p.m. – 9:00 p.m.

- b) Application filed by Stephen B. Weber for a Special Event Liquor License: (F22997)

Business Name: St. Katherine's Greek Orthodox Church
Location: 2716 North Dobson Road, Chandler
Date and Time: Saturday, September 21, 2002; 6:00 p.m. – 12:00 a.m.

- d) Application filed by Joel S. Soltis, for a Person-to-Person Transfer of a Series 7 Liquor License from Rodney A. Kuhlman: (F23056)

Business Name: Garden Café
Location: 13634 North 99th Avenue, Sun City

Motion carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "no."

LIQUOR LICENSE APPLICATION

Protests having been received on this application, Chairman Stapley called for speakers to come forward. He asked that their remarks be kept as brief as possible and not be overly repetitive.

- c) Application filed by Everett T. Lee, for a Transfer-of-Location of a Series 6 Liquor License: (PROTESTS HAVE BEEN FILED) (F23063)

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Business Name: San Tan Restaurant & Lounge
Location: 25507 South Power Road, Queen Creek
Current Location: Practice Club Lounge
18439 South Arizona Avenue, Chandler

Deputy Gary D'Agostino reported that he has been with the Sheriff's Office for 16½ years and had been asked to make inquiries into information contained in this liquor license application which was requested for relocation to a Maricopa County island of unincorporated land. Consequently he had spoken with Everett Lee, the applicant, with regards to several concerns and learned the following information:

Mr. Lee told Deputy D'Agostino that his intention was to open this 6,300 square foot establishment as a Sport's Bar. There would be a small kitchen, which would allow the preparation of hot dogs and hamburgers, with the main service being alcoholic beverages. Deputy D'Agostino said he mentioned to Mr. Lee the closeness of the homes surrounding the proposed establishment, a school bus stop in front of the establishment, and the number of children in the neighborhood playing games and riding bikes and horses. Mr. Lee responded that it was zoned for this kind of application and he didn't have a problem with it because of the zoning.

Deputy D'Agostino asked Mr. Lee if he was the owner of "Sonny's," a Gentlemen's Club located outside of Chandler on Arizona Avenue. Mr. Lee responded that he had owned the property and had leased it to Dave Alexander, who is the owner of three gentlemen's clubs in the County one of which is "Bourbon Street" in downtown Phoenix. Eventually Mr. Alexander bought "Sonny's" from Mr. Lee and opened it as a gentlemen's club.

Deputy D'Agostino said that when he drove through the neighborhood there were numerous kids on bikes and kids and adults riding horseback. It is a rural area and the streets are narrow two-lane roads with stop signs and no stop lights.

Deputy D'Agostino said he spoke with investigators at the State Liquor Board and understood from them that Mr. Lee has owned several alcohol-serving establishments that have been associated with various kinds of police activities. In particular, Norton's Corner, on Gilbert and Williams Field Road. Deputy D'Agostino said that he has participated in numerous taskforce operations on DUI patrol during his 16 years with the department. He said, "Norton's Corner," in the time period up to 1996, had always been a hotspot for DUI traffic and a hotspot for activity and calls. Mr. Lee told Deputy D'Agostino that he did own Norton's Corner and had "taken it over" during several periods when he had repossessed it from would-be purchasers.

Deputy D'Agostino said, "The Sheriff's Office has only one deputy assigned to this Queen Creek beat and there is already a large amount of traffic accidents that take place there every single day. That is our busiest beat in District 1 for traffic accidents. There are no stop lights, there are only stop signs and if one person makes a mistake other people pay for it." He continued, "I have reservations as to the intentions of Mr. Lee and his association with Mr. Alexander, and his business plans as he described. He told me that at this time he had no intention of making this a gentlemen's club, however, he didn't have a problem before in leasing his property to Dave Alexander who did open a gentlemen's club. I would not recommend approval of this liquor license transfer. I don't

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think it's appropriate for the area. I don't think it's appropriate for the people living in the area and I don't think it will benefit the neighborhood in general."

Chairman Stapley noted that while there are numerous requests to speak in opposition from residents of the area there was no request to speak from the applicant. He asked if the applicant was present and if he wished to speak in his own behalf.

John Herbert, representing Everett Lee, came forward at this time. He said this application would be on a 2½ acre parcel in Chandler Heights, AZ, a County island that is usually designated as Queen Creek. He referenced Mr. Lee's association with Mr. Alexander and said, "Every record will show that property was never developed into any kind of an establishment with an alcohol license while Mr. Lee owned it." He transferred it to Mr. Alexander who had the right to do whatever he wanted with it. Mr. Herbert indicated that if any kids rode their bicycles down Power Road "it was because their parents were being extremely negligent." He named several establishments within a several mile radius that have packaged liquor licenses. He said, "but there is no place within five miles to get a hamburger or sit down and get something to eat." He indicated that traffic on Power Road will increase and it will be developed as a four-lane highway as development of the area continues. He disputed the allegation that the proposed sports bar would increase traffic and endanger the neighborhood children.

In reference to the question of whether more food or more liquor would be served at this establishment, Mr. Herbert said that Mr. Lee has an "exemplary history with the State Liquor Department. He's held numerous liquor licenses. He has an outstanding record. Because he could not designate that there would be enough food served to qualify for a #12 (restaurant) license a #6 (bar) was the appropriate license to put in there, as you know there are required minimums for food and he didn't know if he could meet those minimums."

Mr. Herbert charged that there is currently construction traffic on Riggs Road for new housing and commercial development in the area. He defied anyone to say that this bar would not be an embellishment to the area. He also said that the times and safety of school buses loading and dropping children in close proximity will not be impacted by this application. The plan is for this to be a small building immediately adjacent to two other planned small businesses, one of which will be office space for Mr. Herbert's real estate concerns. He said he believed that this application should be regarded as an improvement to the area.

Chairman Stapley stated that a very strong written record of neighborhood opposition to this application has been received by the Board and he appreciated the fact that many present had taken time from their busy schedules to come to be heard at this hearing. He said there were no neighbors on record as being in favor, other than Mr. Herbert who is also representing the applicant. He asked that the speakers be succinct as they state their individual concerns.

Kris Berkner, citizen, said she lives ¼ of a mile east of the proposed bar and indicated that "there is just so much of what Mr. Herbert said that is wrong." She said there is a Head Start Center with pre-school children just ½ mile away from the site. Mrs. Berkner said she is a foster parent of several children and is the mother of teenaged boys and she "doesn't need bars, strip-clubs or the like within walking distance" of their home. She indicated that they moved there for the rural character and said, "I am one of those 'irresponsible' parents who takes my kids out for walks down Power Road." There are houses and families with children to the east, north, south and west of this plot. She added, "It is a big concern, not only for the alcohol and the drunk drivers it will bring but that it could become a strip bar and we'd have no control over that." She said that very few in the neighborhood were in favor of this, and those who do favor it seem to be those who don't have kids.

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Marsha Foxx, citizen, said "this is what drunk drivers do to a family" and pulled out a picture of her husband who sustained a broken neck and is still in a halo "because a drunk blew the stop sign at Sosaman and San Tan. We do not need any help getting more drunk drivers on the road. We do need help to get them off the road."

Kevin Stein, citizen, indicated that he is a single man with no children who is 100% opposed to the approval of this liquor license for the same reasons that his neighbors are opposed to it.

V. G. Lerma, citizen, explained that he had carefully picked-out this neighborhood to move to, invested all his retirement funds in his property and has nothing left to move to any other location. He said that he opposes having a bar move into this rural neighborhood in a location so near to his and other families.

Monty C. Hogle, citizen and president of Apache Sun Builders, said he constructed 130 homes in the Chandler Heights area and owns property within 300 feet of this proposed bar and also owns other property which he changed from commercial to residential zoning because of the "feel of the area." His opposition stems from the residential nature of the area and the fact that there is a school on the corner of Valencia and San Tan that is within ¼ of a mile from the site. He indicated that he drives through this area every single day and this is not a heavy traffic area but a very rural type of setting with speed limits of 35 mph and he feels this was misrepresented by Mr. Herbert. He felt it was "not just a liquor license being applied for but a bar, strip joint, topless atmosphere and it's just not a good setting for a residential area." He also indicated that the offices referred to by Mr. Herbert as being located at the same site have not yet been approved and are still up for a hearing before the Planning Commission. He named several eating places in the area in another attempt to refute Mr. Herbert's testimony. He also challenged Mr. Herbert's statement that this bar would be an embellishment to the area.

Russell Small, citizen, has resided in this area for 27 years and spoke of the many changes that have taken place in that time from farms to residential, and indicated that it had been a "tough transition" at times. He said he thought that the opposition to this issue would cause residents of the area to form a tighter community. He explained that the posting notice was displayed too inconspicuously at the back of the lot and residents had not become aware of the bar's relocation there until a young boy riding his bicycle had stopped to read it and informed his parents. He said this area is rural/residential and families are home and outdoors enjoying themselves on weekends. He felt the bar and its patrons would drastically intrude on, and alter, the ambiance of their neighborhood.

Allen Connor, citizen, also commented on the "near invisibility" of the white posting notice at the back of an empty lot. He said that after learning of this application several had gone to view the location the establishment was being transferred from and found there was nothing there but an empty field and an old building on jacks that looked like it was being moved out. He indicated that information on page 5 of the application was upsetting because it showed that the 6,300 square foot establishment would primarily be devoted to the bar with the possibility of a restaurant. He indicated that Mr. Herbert's time schedule for the school bus stop for students returning home was in error because one kindergartner got off the bus at noon, during the bar's lunch traffic, and several other school bus stops were made later in the day. He also indicated that the Chandler Heights area had private roads, privately maintained, and didn't need additional drivers using them. He showed pictures he had taken of the area to the Board.

Others present in opposition included Daniel R. Mills, Daneen Voorhies, Rick Brewer, Cassandra Myers and Leah Connor.

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Chairman Stapley thanked those present for their interest and for taking the time from busy schedules to attend this hearing. He warned them that the Board of Supervisors is not the final authority in this matter. Paul Golab, County Counsel, agreed and indicated that the Supervisors could only recommend approval or disapproval to the State Liquor Department Board.

Supervisor Kunasek asked Joy Rich, Director of Planning and Development, about the zoning in this area and when it had been zoned commercial.

Ms. Rich responded that the zoning was very old and that this area had originally been full of orange groves and farms.

Supervisor Kunasek asked Ms. Rich about the County zoning ordinance on the adult entertainment aspect of the complaint and if the ordinance would require any further action if the bar became an adult business. She responded that it is zoned for commercial and that such a business would require no further Board of Supervisors' action.

Supervisor Kunasek commented that, unlike Supervisor Brock who always votes "no" on liquor license applications as a matter of moral principle, he had voted "no" on only two other liquor license applications since coming on the Board. He stated that he will recommend denial of this application because of the strong opposition to it from the residents as well as the input given by Deputy D'Agostino. He said that he did not believe that putting such an establishment in this area could be of any benefit and that voting to deny it was the responsible thing for him to do for that community.

Supervisor Wilson said he would also recommend denial and cautioned that the State Liquor Board had certain reasons for denial and that residents should research this information if they planned to carry their opposition to that Board.

Supervisor Wilcox agreed that the application could fare differently at the State level and may be "tough for them to deny because of the growth in the area." She added that she saw some deceit in saying this would be a "restaurant and bar" when it was really planned to be a bar that would possibly become an adult bar. She indicated that the County rarely recommends denial of a liquor license to the State but she would also concur with a recommendation for denial of this one.

Chairman Stapley said he strongly opposed the approval of this license transfer based on all the arguments that had already been stated, close proximity to residences, proximity to schools, incompatibility with a family living and recreation neighborhood, and to the close proximity to school bus stops. However, he said that he considered the key issue to be the inconsistency found in the applicant's request in what he perceived to be an attempt to disguise a potential adult bar as a restaurant and lounge. He stated that he would strongly recommend denial of this application to the State Liquor Board on all of these grounds.

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to recommend denial of the liquor license application from Everett T. Lee for a Transfer of Location to the proposed San Tan Restaurant and Lounge at this location.

ROAD DECLARED (ROAD FILE NO. A002)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution be adopted: (C64030325) (F23059)

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WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 21st day of August, 2002, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A roadway consistent with the right-of-way, together with all appurtenances and easements of record, lying within the South half (S2) of Section 7, and within the North half (N2) of Section 18, in Township Two (2) South, Range Six (6) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway having a centerline described as follows:

Beginning at the Southwest corner of said Section 7; Thence, East along the South line of said Section 7, to the Southeast corner, and the terminus of the herein described centerline.

(Said alignment is also known as Queen Creek Road, from Gilbert Road to Lindsay Road.)

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette, and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed, and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity.

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 18th day of September 2002.

ROAD DECLARED (ROAD FILE NO. A215)

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No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution be adopted: (C64030285) (F23060)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 21st day of August, 2002, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A 50 foot roadway, together with all appurtenances and easements of record, lying within the South half of the Southeast quarter (S2SE4) of Section Thirty (34) in Township One (2) South, Range Six (6) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway being 50 feet on each side of the following described centerline:

Beginning at the Southwest corner of said S2SE4 of Section 34; Thence, East along the South line of said S2SE4 to the terminus of the herein described centerline at the Southeast corner of said S2SE4.

(Said alignment is also known as Stacey Road, from 164th Street to Higley Road)

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette, and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed, and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 18th day of September 2002.

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ROAD DECLARED (ROAD FILE NO. A222)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution be adopted: (C64030295) (F23061)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 21st day of August, 2002, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A 50 foot roadway, together with all appurtenances and easements of record, lying within the Southwest quarter of the Northwest quarter (SW4NW4) of Section Ten (10) in Township One (1) North, Range Seven (7) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway being 50 feet on each side of the following described centerline:

Beginning at the Southeast corner of West half of the Southwest quarter of the Northwest quarter (W2SW4NW4) of Section 10; Thence, North along the East line of said W2SW4NW4 to the terminus of the herein described centerline at the Northeast corner of said W2SW4NW4.

(Said alignment is also known as 93rd Street, from McLellan Road to Jensen Street
(Alignment))

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette, and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed, and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

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BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 18th day of September 2002.

ROAD DECLARED (ROAD FILE NO. A248)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution be adopted: (C64030265) (F23057)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 21st day of August, 2002, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A 50 foot roadway, together with all appurtenances and easements of record, lying within the Northwest Quarter (NW4) of Section Four (4) in Township One (1) North, Range Seven (7) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway being 50 feet on each side of the following described centerline:

Beginning at the Southeast corner of the Northwest quarter of the Northwest quarter (NW4NW4) corner of said Section 4; Thence, North along the East line of said NW4NW4 to the terminus of the herein described centerline at the Northeast corner of said NW4NW4 of said Section 4.

(Said alignment is also known as Waterbury Road, from Culver Street to McDowell Road.

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way

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of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 18th day of September 2002.

ROAD DECLARED (ROAD FILE NO. A254)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution be adopted: (C64030315) (F23062)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 21st day of August, 2002, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A 50 foot roadway, together with all appurtenances and easements of record, lying within the Southeast quarter of the Northeast quarter (SE4NE4) of Section Sixteen (16) in Township One (1) North, Range Seven (7) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway being 50 feet on each side of the following described centerline:

Beginning at the Southeast corner of the West half of the West half of the Southeast quarter of the Northeast quarter (W2W2SE4NE4) corner of said Section 16; Thence, North along the East line of said W2W2SE4NE4, a distance of 989.25 to the terminus on said East line.

(Said alignment is also known as 90th Street, from Adobe Road north a distance of 989.25 feet to the terminus.)

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette, and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed, and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

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BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 18th day of September 2002.

CANVASS OF ELECTION RETURNS FOR SEPTEMBER 10, 2002, PRIMARY ELECTION

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the canvass of election returns for the September 10, 2002, Primary Election in accordance with the Official Results prepared by the Maricopa County Elections Department. List on file in the Clerk of the Boards' Office. (C21030030) (ADM1709)

FIRE DISTRICTS (8) QUALIFYING FOR ALTERNATE PROCEDURE FOR SELECTION OF FIRE DISTRICT BOARD MEMBERS AND OFFICERS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to designate eight fire districts within the County which qualify for alternate procedure for selecting fire district board members and officers for four-year terms beginning December 1, 2002. Cancel November 5, 2002, fire district board member/officer elections in qualifying districts. (C21030050) (ADM2100) (ADM4406)

MODIFICATION TO COOPERATIVE AGREEMENT WITH DEPARTMENT OF TREASURY, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Modification No. 1 for Cooperative Agreement ATC020137 between the Maricopa County Sheriff's Office and the Department of Treasury, Bureau of Alcohol, Tobacco and Firearms. This modification will decrease the current G.R.E.A.T. Program funding from \$78,968.75 to \$48,000. The original application amount was \$127,000 and the award is based on estimated number of program participants in a one-year period. No budget adjustment results from this action. (C5002022303)

GRANT FUNDING FROM DEPARTMENT OF TREASURY, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to a motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve application for and acceptance of up to \$79,000 in grant funding from the Department of Treasury, Bureau of Alcohol, Tobacco and Firearms, for continuation of the G.R.E.A.T. Program. If awarded, the funds will be used for overtime, training, educational materials for the G.R.E.A.T.

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participants, equipment and vehicle lease. This funding is included in the recommended FY 2002-2003 Sheriff's Office Budget. (C50035243)

EXTENSION TO WAIVER TO EMPLOYEE LEAVE PLAN

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve an extension to six-month waiver to the Maricopa County Employee Leave Plan V & VI, granted by the Board of Supervisors on April 3, 2002, for Deputy Jon Anderson. Deputy Anderson was seriously injured as a result of an "Act of Violence" through no fault or negligence of his own, while serving in the line of duty on March 5, 2002. (C5002067M01) (ADM3320)

WAIVERS TO EMPLOYEE LEAVE PLAN

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve waivers to the Maricopa County Employee Leave Plan V & VI, for the following Sheriff's Office personnel, who were seriously injured as results of "Acts of Violence" through no fault or negligence of their own. Authorize payment of normal base salary and benefits to the employee for duration of up to one year or return to full duty, whichever is earlier, to begin from the date of this action.

- a. Detention Officer Jeremy Divers was injured while on duty at the Estrella Jail on August 1, 2002. (C5003023M) (ADM3320)
- b. Detention Officer Michael Hensell was injured while on duty at the Madison Street Jail on August 13, 2002. (C5003024M) (ADM3320)

WAIVERS TO COMPENSATION PLAN

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve waivers to the Maricopa County Compensation Plan, Section VII.A to allow retroactive salary advancements for the following Sheriff's Office personnel:

- a. Rose Iannacone, Internal Auditor, \$.55 per hour from April 15, 2002, through June 9, 2002. The retroactive pay, including benefits, will come from budgeted funds and will not exceed \$194. This salary increase corrects errors associated with a salary advancement that should have been provided like other employees within the Sheriff's Office for FY 2001-2002. Due to a clerical error, this person was overlooked for an increase. Once the error was discovered, an increase was submitted from \$22.26 per hour to \$22.81 per hour effective June 10, 2002. (C5003028M) (ADM3308)
- b. Tammy McCay, Telecommunications Operator, \$.35 per hour from April 1, 2002, through April 28, 2002, plus any overtime (not-to-exceed \$100) and Jennifer Moore, Telecommunications Operator, \$.35 per hour from April 1, 2002, through May 12, 2002, plus overtime (not-to-exceed \$150). The retroactive pay, including benefits, will come from budgeted funds and will not exceed \$250. This salary increase corrects errors associated with the market adjustment for the TCO's whereby these two individuals were inadvertently excluded. When discovered, the error in hourly rate was corrected, however, the retroactive portion was not. (C5003029M) (ADM3308)

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DONATION FROM HUMMINGBIRD DEFENSE SYSTEMS, INC.

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to accept the donation from Hummingbird Defense Systems, Inc. (HDSI) of a Law Enforcement Action and Investigation System (a face recognition enabled booking, verification, and investigation management software application), the necessary hardware, and technical support to insure successful trial use of their application. The donated technology is to be used in a pilot project designed to test and verify the applicability of the system to proactively search for criminal activity through face recognition movement control. By approving this item, the Board is not committing to any dollar investment at this time. The value of the donated technology is approximately \$350,000. The system will be used initially at Tent City to test the applicability to control intake and the release of inmates from the facility. The ultimate objective of a full project is to develop a system that will allow inmates to move through jail facilities without an escort by a Detention Officer. If the pilot is successful (by meeting the business and technical criteria) and if the grant financial resources are available for permanent or expanded implementation, the Sheriff's Office will continue from the pilot into a competitive full-scale production project. If the production project is approved and grant funding is obtained, MCSO will continue to build and maintain the database, and make it available to other County and law enforcement agencies, as well as to other entities determined to be applicable users of the data. It is anticipated that facial images will be included in the database in the following order: 1) sexual predators registered with the State of Arizona, 2) persons with active Maricopa County warrants, and 3) individuals booked into Maricopa County jail (mug shots). By entering into this donation agreement and by conducting the pilot of the technology, the County is not obligating itself in any way other than to ensure adequate research of the capability of the technology to meet the requirements of MCSO. Approval of this donation and pilot does not in any way indicate an intent by Maricopa County to purchase, lease, and/or rent any further products from HDSI. All future procurements must be competitive and in compliance with the Maricopa County Procurement Code. (C5003030M) (ADM3900)

INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF HEALTH SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve an Intergovernmental Agreement between Maricopa County (the County) and the Arizona Department of Health Services (ADHS) for the term July 1, 2002, through June 30, 2003, for the County's funding of behavioral health services with an increase the level of County funding. County funding for services to the seriously mentally ill (SMI) under this IGA will be \$26,723,986 for FY 2003. This increases the level of County funding based on medical inflation for services to the seriously mentally ill by \$2,484,542 over the funding paid under the previous IGA in FY 2002. The FY 2003 IGA also requires the County to fund non-SMI services in the amount of \$3,366,705 for the one-year term and substance abuse ("LARC") services in the amount of \$1,489,871 for the one-year term. The level of funding for non-SMI and LARC services remains constant from FY 2001 to FY 2003. The IGA will be in effect until June 30, 2003. The IGA may be amended, further extended or terminated pursuant to the IGA provisions, including a 90-day termination without cause provision. Total County funding for behavioral health services in FY 2003 under the IGA will be \$31,580,562 for a one-year term. (C39030042)

REJECT CLAIM DEMANDS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to reject claim demands (August 2002) for emergency medical services from private medical providers to patients who do not meet the requirements of Arizona Revised Statutes or Maricopa County Policies and are, therefore, not the responsibility of Maricopa County pursuant to A.R.S. §11-629 (not a proper charge

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against the County) and A.R.S §11-622 (claims not having been filed within six-months after the last item of the account accrues). (ARS §11-629 \$225,789.32 and ARS §11-622 \$-0-) (C39030037) (ADM1804)

**Monthly Summary Report
August 2002**

Vendor	Amb., Doctors, Hosp. Ars 11-629	Over Six Months Ars 11-622
Advanced Cardiac Specialists	8,125.00	0.00
Assoc Retina Consultants	775.97	0.00
Bhatheja, Bhupendra K., Mdpc	105.00	0.00
Casa Grande Regional Med Ctr	172.00	0.00
City Of Phoenix Ambulance	1,446.35	0.00
Clinical Diagnostic Radiology	779.00	0.00
Emergency Assoc Of Arizona	254.00	0.00
Emergency Physicians Prof Asso	1,467.00	0.00
Emergency Professional Svcs Pc	568.42	0.00
Good Samaritan Reg Med Ctr	512.90	0.00
Maricopa Health Systems	93,166.31	0.00
Martin Leo A, Md	700.00	0.00
Medical Diagnostic Imaging Grp	176.00	0.00
Medpro	188.00	0.00
Phoenix Memorial Hospital	45,134.93	0.00
Professional Medical Transport	37,166.62	0.00
Rural Metro Ambulance	495.46	0.00
Southwest Ambulance	19,797.23	0.00
St Josephs Hosp Arizona	14,759.13	0.00
Subtotal	225,789.32	0.00
Grand Totals:	225,789.32	0.00
Restitution	0.00	
Totals Denials:	225,789.32	

PERSONNEL AGENDA

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Personnel Agenda (Judicial Branch and Maricopa County). (List on file in the Clerk of the Board's Office.)

WAIVER TO COMPENSATION PLAN

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve a waiver to the Maricopa County Compensation Plan, Section VI.A. to allow a retroactive salary advancement for Budget Coordinator Don Colvin, from \$30.41 per hour to \$31.48 per hour, with an effective date of February 18, 2002. The retroactive pay will come from budgeted funds and will not exceed \$2,555. (C49030106) (ADM3308)

AMENDMENT TO FY 2002 MANAGEMENT & IMPLEMENTATION AGREEMENT WITH TOWN OF GILA BEND

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to the FY 2002 Management & Implementation Agreement (MIA) between

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Maricopa County and the Town of Gila Bend for project DG0205, Gila Bend/Barnes, St. Louis & Cleveland Street Improvement, \$233,000 (C17030060 under C17030010ZZ). Project DG0105 will be terminated at a later date. Amendment No. 1 will make changes as follows: (C1703006001)

- a. rescopes the project to add waterline improvements;
- b. reprograms the remaining \$262,000 from the Gila Bend/Southside Street Improvement Project, DG0105, \$380,000 (C17020060 under C17020010ZZ) to the Gila Bend/Barnes, St. Louis & Cleveland Street Improvement Project, DG0205 (C17030060 under C17030010ZZ); and
- c. renames the project from Gila Bend/Barnes, St. Louis & Cleveland Street Improvement Project to Gila Bend/Southside Waterline and Street Improvements. Total funding of this project will be \$495,000.

LEGAL ENFORCEMENT ACTION

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve legal enforcement against Michael S. Walker, Sr., Michael S. Walker, Jr., Gerald Walker, owners of an illegal trailer park located at 4015 South 345th Avenue, pursuant to code enforcement violation case V2001-00701, in the Tonopah area of Maricopa County. (Discussed in Executive Session on August 19, 2002.) (C44030030) (ADM3418)

ADDITION TO FLEET OF FOUR FULL SIZE PICK-UP TRUCKS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the addition of four full size pick-up trucks to the County fleet to be assigned to the Planning and Development Department. The trucks will be used by building inspectors and plan reviewers to conduct County inspections in the unincorporated areas. The trucks will be purchased from Department funds approved in the FY 2002-2003 Planning and Development Budget. (C44030040) (ADM3100)

FUND TRANSFERS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

SOLICITATION SERIALS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

AWARD OF SOLICITATION SERIALS:

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- 02065-C SEMI-TRUCK WITH 6000 GALLON TANK TRAILER & WATER DISTRIBUTION SYSTEM (\$197,000/est one (1) year)**
Pricing agreement to purchase one semi-truck to be used by McDOT for dust control within Maricopa County.
- Cunningham Commercial Vehicle
- 02074-S PERIODICALS & RELATED ITEMS SUBSCRIPTION SERVICES-LIBRARY (\$1,020,000/est three (3) years with two (2) one (1) year renewal options.)**
To provide a comprehensive subscription services contract as requested by the Maricopa County Library District. Contract utilized primarily by Library District, with additional usage by Human Services, MIHS and other County agencies. The Maricopa County Community College District will also use this contract via a Board of Supervisors approved ICPA.
- EBSCO
- 02084-C ASPHALTIC CONCRETE MIX (\$600,000/est one (1) year with four (4) one (1) year renewal options)**
Multiple award pricing agreement to purchase asphaltic concrete mix for maintenance of roadways by McDOT.
- Mesa Materials Inc.
 - Vulcan Materials-Western Division

CONTRACT EXTENSIONS:

The extension of the following contract(s): (Extensions are recommended with the concurrence of the using agency(s) and the vendor(s), upon satisfactory contract performance and, when appropriate, after a market survey is performed).

Until September 30, 2003:

- 98099-RFP MICROFILMING SERVICES (\$515,000/est one (1) year)**
Pricing agreement to provide microfilming services for the County Recorder's Office and other agencies as needed.
- Arizona Imaging Services

Until October 31, 2004:

- 00163-M WELDING SERVICES (\$600,000/est two (2) years)**
Contract extension requested by MCSO Food Service for welding, mechanical repair and replacement of expendable parts for kitchen equipment.
- Hernandez Companies, Inc.

INCREASE IN THE CONTRACT AMOUNT FOR THE FOLLOWING CONTRACT(S). This request is due to an increased usage by county departments.

- 01084-MS TRAFFIC SIGNAL SYSTEM FIELD INFRASTRUCTURE (\$300,000/est one (1) year)**
Increase contract value from \$815,000 to \$1,115,000. Additional funds needed for McDOT to use this contract until its expiration date of November 30, 2003. McDOT underestimated their total dollar requirements for this period. The Board approved

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this contract on November 19, 2001, in the amount of \$800,000. The Materials Management Director approved a subsequent increase of \$15,000 on August 22, 2002.

- Econolite Control Products, Inc.

CAPA TRAINING:

The following individuals have successfully completed training provided by Materials Management and will be able to conduct nominal value procurements in selected areas for their individual agencies in accordance with the approved Certified Agency Procurement Aide Policy and Procedures:

Adult Probation Department

Lynn Gustafson

Hillary Richards

Public Health

Michele Escoto

Stanley Walter

Finance

Martin Camacho

TRAP-NEUTER-RETURN PROGRAM

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to adopt by resolution Trap-Neuter-Return (TNR) as the officially approved means of solving feral cat problems in Maricopa County. TNR is an integral portion of Operation FELIX (Feral Education and Love Instead of X-termination), an AC&C program promoting a comprehensive, humane approach to solving the feral cat problems in Maricopa County. Through Operation FELIX, AC&C in conjunction with the Arizona Cat Assistance Team (AzCATs) will assist citizens, companies, and agencies with their feral cat problems. This includes presenting the FELIX program orientation and trapping tutorial; supplying trap depots, surgical sterilization, and ear tipping as a means of identifying sterilized cats; and providing volunteer support, community education, and food distribution as needed. Operation FELIX provides low cost spay/neuter surgery and colony management orientation for all interested parties. Surgical sterilization (spay/neuter) provided by AC&C would be done on a cost recovery basis of \$25 for each female and \$20 for each male cat charged to the recipient citizen, company, or agency. Additional charges would apply for veterinary services rendered. (C7903006M) (ADM2300)

RESOLUTION

OPERATION FELIX

(Feral Education & Love Instead of X-termination)

To designate Operation FELIX as the officially approved means to solving feral cat related problems in Maricopa Integrated Health System County.

WHEREAS, there are millions of feral cats now living in the United States and tens of thousands in Maricopa County as a result of natural increase and continued influx of abandoned and stray unsterilized domestic cats, and

WHEREAS, this population has been created and perpetuated by human failure to control the breeding of domestic household cats, and

WHEREAS, this population has been largely ignored in most communities in the United States, and

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WHEREAS, scientific evidence and experience in the United States and other countries has shown that the non-lethal trap-neuter-return method, accompanied by on-going feral cat colony management, is a humane and effective means for controlling and reducing the feral cat population while providing for the welfare of feral cats, and

WHEREAS, caring individuals and groups all across the country and Maricopa County are already effectively applying non-lethal management to control feral cat populations, and

WHEREAS, the County of Maricopa embraces the sanctity of all life and the importance of preserving and protecting life wherever possible.

BE IT THEREFORE RESOLVED, that the Maricopa County Board of Supervisors does hereby endorse non-lethal trap-neuter-return, when accompanied by ongoing feral cat management, as the most effective, humane method of controlling feral cat populations in Maricopa County and in so doing better provides for the welfare of these animals while better serving our communities' public health and safety concerns.

DATED this 18th day of September 2002.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

RENEWAL OF KENNEL PERMITS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following kennel permit renewals for the term of September 4, 2002, through September 3, 2003: (C7903010C) (ADM2304)

- Boyd Young, dba Chieftain Kennel, 2747 West Highland, Phoenix, Permit No. 314
- Kenneth E. & Kathleen Swetman, dba KK's, 11255 West Hidalgo, Tolleson, Permit No. 271
- Lue Brooks, dba Springbrook Kennels, 36614 North 23rd Street, Phoenix, Permit No. 294
- Betty Yerington, dba Yerbrier Kennels, 5447 South El Mirage Road, Tolleson, Permit No. 090

RENEWAL OF KENNEL PERMITS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following kennel permit renewals for the term of September 18, 2002, through September 17, 2003. (C7903013C) (ADM2304)

- Patricia Bolcerek, dba Bolcerek's Kennels, 16651 East Cloud Drive, Gilbert, Permit No. 320

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- John & Donna Cabano, dba Rattlesnake Kennels, 37431 North 18th Avenue, Phoenix, Permit No. 299
- Linda Shively, dba East Valley Rescue, 8125 East 5th Avenue, Mesa, Permit No. 312

KENNEL PERMITS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the issuance of the following kennel permits for the term of September 18, 2002, through September 17, 2003. (C7903012C) (ADM2304)

- Bobbie Nichols, dba Bobbie's Bullies, 443 South 97th Place, Mesa
- Bill Rice, dba Rice Greyhound Kennel, 16639 East Cloud Road, Gilbert

AMENDMENT TO AFFILIATION AGREEMENT WITH UNIVERSITY OF PHOENIX (CLINICAL COUNSELING PROGRAM)

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to the Affiliation Agreement between Correctional Health Services and University of Phoenix (Clinical Counseling Program). Approval would provide students enrolled in Clinical Counseling the educational opportunity to work in a supervised, clinical environment within the Maricopa County jail and detention facilities. This amendment extends the term of the agreement for one year, from September 1, 2002, through August 31, 2003, with three renewable one-year options. There is no financial impact. (C2602002001)

AMENDMENT TO LEASE WITH EARL CAPITAL MANAGEMENT LLC (FORMERLY PARRISH-NAUERT PARTNERSHIP)

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and execute Amendment No. 2 to Lease No. L7210 with Earl Capital Management, LLC (formerly Parrish-Nauert Partnership), Lessor, for 3,800 square feet of office space located at 3101 East Shea Blvd., Phoenix, AZ. Lessor agrees to perform the following tenant improvements at no cost to the County: 1) install deflection vents at heating/air conditioning ceiling outlets; 2) provide new building standard carpet and paint; 3) supply employee restrooms with paper towels, soap and toilet tissue as part of the janitorial services. This amendment will extend the term of this full service lease from September 1, 2002, through August 31, 2007. Annual rental cost, including 2.4% rental tax, as follows: Years 1-3 at \$62,700 per year; Year 4 at \$65,940; Year 5 at \$69,156. This lease contains a 90-day termination clause. (C8897046402) (CS956002)

AMENDMENT TO GRANT FUNDING FROM THE US DEPARTMENT OF AGRICULTURE

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept Amendment No. 1 for Grant No. FSIS-C-19-2001 for \$22,969 from the US Department of Agriculture. The grant funds will be used to enhance communication and information sharing between small retail store and food service owners in the under-served and/or under-represented communities, federal, state, and local officials, and academia concerning food safety practices. The grant funding will be for the period starting August 22, 2002, through August 21, 2003. The new amended grant total is \$45,969. It is County Counsel's opinion that Maricopa County can accept additional grant funding. By approving this agenda

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item, the Board will be authorizing the acceptance of grant funding that is not budgeted, thus causing a budget amendment to be authorized. This amendment will increase Environmental Services Department revenue and expenditure levels for FY 2003 by \$22,969. (C8802015301)

LICENSE AGREEMENT WITH PHOENIX ELEMENTARY SCHOOL DISTRICT NO. 1

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a license agreement with the Phoenix Elementary School District No. 1 for the use of school facilities. The agreement will allow use of the Bethune School Cafeteria located at 1310 South 15th Avenue on October 8 and 17, 2002. The department will conduct a hearing to obtain public comments on the proposed air quality permit for Innovation Waste Utilization. No costs will be assessed to the County. (C88030070)

CONTRACT WITH ARIZONA COALITION TO END HOMELESSNESS (ACEH)

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the contract between the Maricopa County Human Services Department and the Arizona Coalition to End Homelessness (ACEH) to provide \$5,000 in funding in support of the 9th Annual Conference on Homelessness, to be held on October 28 and 29, 2002. The term of the contract is upon approval by the Board of Supervisors through June 30, 2003. No County general funds are being used in this contract. (C22030941)

AMENDMENT TO AGREEMENT WITH UNIVERSITY OF CALIFORNIA – SAN FRANCISCO

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to Agreement No. 2663sc with the University of California - San Francisco, by and through the Regents of the University of California to allow licensed health care providers to participate in learning experiences at the Maricopa County Department of Public Health's (MCDPH) Sexually Transmitted Disease (STD) Clinic. The amendment extends the term of the agreement to 6/30/03, and includes NTE \$18,272 in grant pass-through funds. This item is included in the Department's FY 2003 budget. (C8602044101)

NON-FINANCIAL AGREEMENT WITH BODY POSITIVE, INC.

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and sign a non-financial agreement between Maricopa County, through its Department of Public Health, and Body Positive, Inc., to provide nutritional experience for graduate students in the Department's Dietetic Internship Program. The agreement term is from Board approval through June 30, 2007. (C8603046)

NON-FINANCIAL AGREEMENT WITH NUTRITION STUDIO

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and sign a non-financial Agreement between Maricopa County, through its Department of Public Health, and Nutrition Studio to provide nutritional experience for graduate students in the Department's Dietetic Internship Program. The agreement term is from Board approval through June 30, 2005. (C86030470)

NON-FINANCIAL AGREEMENT WITH ST. JOSEPH'S HOSPITAL

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Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and sign a non-financial Agreement between Maricopa County, through its Department of Public Health, and St. Joseph's Hospital to provide nutritional experience for graduate students in the Department's Dietetic Internship Program. The agreement term is from Board approval through June 30, 2007. (C86030480)

NON-FINANCIAL AGREEMENT WITH JOHN C. LINCOLN HEALTH NETWORK

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and sign a non-financial agreement between Maricopa County, through its Department of Public Health, and John C. Lincoln Health Network to provide nutritional experience for graduate students in the Department's Dietetic Internship Program. The agreement term is from January 1, 2003, through December 31, 2004. (C86030490)

CANCELLATION OF INTERGOVERNMENTAL AGREEMENT WITH TOWN OF BUCKEYE

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the request by Town of Buckeye Town Manager to cancel Intergovernmental Agreement for radio maintenance and leased space for equipment located at the County's White Tanks facility, and forgive \$600 in unbilled lease payments. The Town of Buckeye wishes to cancel its Intergovernmental Agreement with the County for public safety radio maintenance and leased space at the County's White Tanks facility. The agreement took effect in July 1998 for a period of 5 years. The request to cancel was initiated by the Town of Buckeye Police Department which desired to relocate its equipment to a different facility at White Tanks. The Town did move its equipment off of the County's tower at White Tanks in June 2001. A formal notice of cancellation was received from the Town of Buckeye Town Manager on July 1, 2002. Under terms of the agreement, the Town paid the County \$600 per year for leased space. Billing was suspended in June 2001, when the Town removed its equipment from County facilities; in the interests of good relations with the Town, it is requested that the County not pursue collecting lease payments for the subsequent months. (C76030022) (C76990022YY)

INTERGOVERNMENTAL AGREEMENT WITH U.S. DEPARTMENT OF THE TREASURY, IRS – CRIMINAL INVESTIGATION

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an Intergovernmental Agreement with the U.S. Department of the Treasury, IRS - Criminal Investigation, for space at the County's Thompson Peak communications facility. The agreement provides site access, building space, and permission to use the tower owned by U.S. Department of Justice - Drug Enforcement Administration. In return for space and access, IRS - Criminal Investigation pays the County \$50 per month per transmitter and \$25 per month per receiver located at the site. This agreement is for a period of one year from date of approval, with automatic renewals unless canceled by either party. (C76030032)

AGREEMENT WITH SHERIFF'S POSSE OF TOWN OF FOUNTAIN HILLS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an agreement with the Sheriff's Posse of Town of Fountain Hills to utilize the SmartZone Infrastructure System and to purchase from the County maintenance and repair services for the Posse's radio fleet. The County will recover its costs for access to the SmartZone Infrastructure System through services provided by the Posse to the Sheriff's Office. The County will recover its costs for equipment maintenance and repair services through billing at the prevailing rates for time and materials. This

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agreement shall be in effect for a period of five years commencing on the date of approval by the Board. It is automatically renewed for another five years unless either party submits a written notice of termination at least one full calendar year prior to termination unless otherwise agreed by both parties. (C76030042)

INTERGOVERNMENTAL AGREEMENT WITH STATE OF ARIZONA, DEPARTMENT OF PUBLIC SAFETY

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an Intergovernmental Agreement with State of Arizona, Department of Public Safety (DPS) for sharing of telecommunications facilities. A.G. Contract No. KR2-1475/DPS Contract No. 2002-166 is an "umbrella" agreement that declares the intention of Maricopa County and DPS to share, where possible and without usage fees, their owned telecommunications facilities for the benefit of the common good. Site-specific supplemental agreements will make reference and become supplements to this umbrella agreement. These supplemental agreements will be entered into, reviewed annually, and updated when needed by the DPS Telecommunications Manager and the Maricopa County Wireless Systems Manager without need of further approval by the Board of Supervisors. This umbrella agreement and all supplements are valid for a coterminous one-year period, with automatic renewal. (C76030052)

CALL FOR BIDS AND AWARD – SOUTHEAST COURTROOM BUILD-OUT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to adopt plans and specifications, authorize a call for bids, and award a construction contract to the lowest responsible bidder provided that the bid is not more than 10% over the architect's estimate for the Capital Improvement Program project "Southeast Courtroom Build-out" at the MCSO Southeast Substation (Building No. 2853) located at 1840 South Lewis Street in Mesa. The renovated facility will provide two early disposition courtrooms, two full judicial suites, detention and public waiting areas, offices for the County Attorney, Public Defender, Adult Probation, Clerk of the Superior Court, and a Treatment Assessment Screening Center (TASC). Project No. 2000135772 is funded in the FY 2002-2003 Detention Capital Projects Fund, Fund 455, Agency 409, Org. 4091, Object Code 0915.01. Additionally, Major Maintenance work identified in Project Nos. 2002301742 and 2002301832 required in this building will also be incorporated into this contract. This work requires the replacement of 12,000 square feet of roofing, the HVAC boiler, and 500 square feet of floor tile, and interior and exterior painting. These projects are funded in the FY 2003 Major Maintenance Budget, Fund 100, Agency 470, Org 4732, Object Code 0825.02 and Fund 255, Agency 472, Org 4732, Object Code 0825.02. (C70030215)

EASEMENTS, RIGHT-OF-WAY DOCUMENTS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors action. (ADM2007)

A118.007-4 Project No: 69010 - 133rd Avenue (South Mountain Avenue - Indian Springs Road) -
(AC) Slope Easement - Parcel No. 400-01-010A - Paul T. Cook and Ronda A. Cook - for the
sum of \$137.00.

DD-9352 R/W Dedication - Warranty Deed – Parcel No. 203-03-(Tract Q) - Anthem Arizona L.L.C. -
(TS) for the sum of \$10.00.

DD-9352 R/W Dedication - Purchase Agreement and Escrow Instructions - Parcel No. 203-03-
(TS) (Tract Q) - Anthem Arizona L.L.C.

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- SRP RD-12276 (MDW) Project No: Weston Park, KB Homes - Irrigation Easement - Section 25, T1N, R2E - Salt River Project Agricultural Improvement and power District (Grantee) - for the sum of \$750.00.
- SRP-RD-02152 (MDW) Project No: NWC South Mountain Avenue & 55th Ave. - Irrigation Easement - Section, T1S, R2E - Salt River Project Agricultural Improvement and Power District (Grantee) - for the sum of \$800.00.
- W-5596 (LJS) Project No: 16021 - Broadway Road (Salome Highway to 339th Avenue) - Easement and Agreement for Highway Purposes - Parcel No. 504-33-033E - Gloria Marina Hernandez - for the sum of \$1,225.00.
- W-5596 (LJS) Project No: 16021 - Broadway Road (Salome Highway to 339th Avenue) - Purchase Agreement and Escrow Instructions - Parcel No. 504-33-033E - Gloria Marina Hernandez.

AGREEMENT REGARDING ESTRELLA INTERIM LOOP 303

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following agreements for improvements to Estrella Interim Loop 303 - Phase IIB, El Mirage Road to Lake Pleasant Road (Project No. 68840). The County plans to construct Estrella Interim Loop 303 in two phases. The first being Phase IIA, from Reems Road to El Mirage Road, which is solely funded by the County. The second phase of the project, Phase IIB, begins at El Mirage Road and ends at Lake Pleasant Road, which entails constructing a four lane roadway and a five lane bridge structure over the Agua Fria River on the Happy Valley Road alignment. The estimated total project cost breakdown is: MCDOT dedicated funding is \$8,200,000, combined with \$3,500,000 from Victory Land Investments, plus the +/- \$4,900,000 from Shea/Sunbelt (Shea/Sunbelt will contribute the difference of the actual total projects costs, whether greater or lesser than the estimated project costs of \$16,600,000, minus the County's and Victory Land Investments funding of \$11,700,000) equals the estimated total project cost of \$16,600,000. An escrow account will be established, and payments will be remitted within 30 days of receipt of an invoice.

- a) Shea/Sunbelt Pleasant Point, LLC will contribute the difference of the actual total project costs, whether greater or less than the estimated project cost of \$16,600,000 minus the County's funding of \$11,700,000, which the obligation of Shea/Sunbelt is currently estimated at \$4,900,000. (C64030352)
- b) Victory Land Investments contribution is \$3,500,000 (C64030360)

CALL FOR BIDS AND AWARD – CONSTRUCTION OF INTERIM LOOP 303 (II) B, FROM EL MIRAGE TO LAKE PLEASANT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the solicitation for bids for the construction of Estrella Interim Loop 303 (II) B, from El Mirage to Lake Pleasant, Work Order No. 68840, and 107th Avenue from Williams Drive to Estrella Interim Loop 303 (II) B, Work Order No. 68932, and approve the award of a contract to the lowest responsive bidder, providing that the lowest responsive bid does not exceed the engineer's estimate by more than 10%. Funds have been budgeted in the Department's Transportation Improvement Program for FY 2003 and FY 2004. (C64030375)

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INTERGOVERNMENTAL AGREEMENTS FOR SIGNALIZATION AND ROADWAY IMPROVEMENT PROJECT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve intergovernmental agreements between the Maricopa County Department of Transportation and the following cities/towns. The agreements are in regards to a signalization and roadway improvement project for the intersection of 56th Street and the Carefree Highway. The County will be the lead agency for design and construction and the cities/towns will contribute financially and may supply signal equipment. The total project cost is estimated at \$330,000. The County Cost of in-house design and project management is estimated at \$75,000. Payment from partners will be remitted within 30 days of invoice to said partners upon completion of construction. The project consists of the installation of a traffic signal for east and west bound traffic on the Carefree Highway and for northbound traffic on 56th Street. The project will also construct a westbound left turn lane and eastbound right-turn lane on the Carefree Highway for safe access onto 56th Street, and if sufficient right-of-way can be obtained, a right turn lane on 56th Street will also be constructed as part of this project. The City of Scottsdale will attempt to acquire the necessary right-of-way for the right turn lane at no additional project cost. If the right-of-way cannot be acquired, the project will move forward without the right-turn lane on 56th Street.

- a) City of Scottsdale - The City will contribute \$90,000 and will also annex County right-of-way. (C64030432)
- b) The Town of Cave Creek and the Town of Carefree will contribute \$70,000, each. (C64030442)
- c) The Cave Creek Unified School District will contribute \$35,000. (C64030442)

CALL FOR BIDS AND AWARD – IMPROVEMENTS AND SIGNAL INSTALLATION TO INTERSECTION OF 56TH STREET AND CAREFREE HIGHWAY

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the solicitation of bids for the improvements and signal installation to the intersection of 56th Street and Carefree Highway, under Work Order No. 12562; and approve the award of a contract to the lowest responsive bidder, providing the lowest responsive bid does not exceed the engineer's estimate by more than 10%. (C64030385)

CONTRACTS FOR ON-CALL TRAFFIC ENGINEERING SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following contracts for on-call traffic engineering services, in amounts not-to-exceed \$150,000 (each contract) during the contract performance. The contracts shall be in effect from the date of execution through August 30, 2003, or until the contract amount of \$150,000, (each contract) is expended, whichever occurs first. The services provided under these contracts typically include traffic impact studies, traffic/transportation engineering research and operational analysis, and safety improvement studies regarding traffic engineering issues.

- a) CK Engineering, Inc., Contract No. CY 2003-15 (C64030455)
- b) DMJM+Harris, Contract No. CY 2003-16 (C64030465)

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- c) Computran Systems Corporation, Contract No. CY 2003-17 (C64030475)
- d) AZTEC Engineering, Inc., Contract No. CY 2003-18 (C64030485)
- e) Kimley-Horn and Associates, Inc., Contract No. CY 2003-14 (C64030495)

CALL FOR BIDS AND AWARD – VALLEY GUTTER PROJECT, FALL 2002

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the solicitation of bids for the Maricopa County Department of Transportation's Valley Gutter Project, Fall 2002, under Work Order Nos. 30460505 and 30470503; and approve the award of a contract to the lowest responsive bidder, providing the lowest responsive bid does not exceed the engineer's estimate by more than 10%. (C64030565)

INTERGOVERNMENTAL AGREEMENT WITH CITY OF PEORIA

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an Intergovernmental Agreement between Maricopa County and the City of Peoria. The City agrees to waive all permit fees for the County to conduct any or all type of work necessary for Work Order No. 68840 within their right-of-way. The County will act as the lead agency for this project - Estrella Interim Loop 303 (Phase IIB)- Reems Road to Lake Pleasant Road. The City agrees to waive any or all permit fees for the County to work within their right-of-way. There is no financial impact. (C64030592)

MARICOPA INTEGRATED HEALTH SYSTEMS PERSONNEL AGENDA

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Maricopa Integrated Health Systems Personnel Agenda. (List on file in the Clerk of the Board's Office.)

AMENDMENT TO CONTRACT WITH WESTERN MEDICAL INCORPORATED

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 5 to the contract between Western Medical Incorporated and Maricopa Integrated Health System to add oxygen services for MIHS-HP members in contracted nursing facilities and to increase the contract not-to-exceed amount by \$3,000,000 from \$5,327,090 to \$8,327,090. There is no change in the contract term, September 1, 1998, through August 31, 2003. (C6099066105)

AMENDMENT TO CONTRACT WITH INFORMATION NETWORK CORP (INC)

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 4 to contract with Information Network Corp (INC) to extend the term of the contract for three months from October 1, 2002, through December 31, 2002, for an aggregate term of December 1, 1998, through December 31, 2002, and increase the not-to-exceed amount by \$528,225.50 from \$7,386,680 to \$7,914,905.50. This amendment also provides an option for reduced services from the vendor to aid the transition to the new contract with OAOHS. The contract may be terminated for convenience upon 30-days notice. (C6099110104)

CONTRACT WITH VILLA OCOTILLO MANAGEMENT COMPANY LLC dba VILLA OCOTILLO

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Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a new contract with Villa Ocotillo Management Company LLC, dba Villa Ocotillo for the provision of assisted living services in units. Contract term will be September 1, 2002, through October 31, 2004, for an amount not-to-exceed \$160,500. This contract has a 90-day termination for convenience provision. (C60030071)

APPOINT MR. ALAN MAGUIRE TO THE INDUSTRIAL DEVELOPMENT AUTHORITY

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to appoint Mr. Alan Maguire to the Industrial Development Authority, representing District 1. The term of the appointment will be from the date of Board approval through December 17, 2005. (C01030047) (ADM4500-001)

APPOINT MYRA JEFFERSON TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to appoint Myra Jefferson to the Community Development Advisory Committee, representing District 1. The term of the appointment will be from the date of Board approval through June 30, 2003. (C01030057) (ADM1501)

APPOINT ROBERT WILLIAMS TO THE LEGISLATIVE GOVERNMENTAL MALL COMMISSION

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to appoint Robert Williams to the Legislative Governmental Mall Commission. The term of the appointment will be from September 18, 2002, through June 30, 2004. (C02030047) (ADM105)

REAPPOINT JOY RICH TO THE LEGISLATIVE GOVERNMENTAL MALL COMMISSION

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to reappoint Joy Rich to the Legislative Governmental Mall Commission. The term of the appointment will be from September 18, 2002, through June 30, 2004. (C02030057) (ADM105)

REAPPOINTMENTS TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to reappoint the following to the Community Development Advisory Committee, representing District 4. The terms of appointment are from July 1, 2002, through June 30, 2003. (ADM1501)

Carol Ann Beard (C04030017)
Doris Heisler (C04030027)

RESIGNATION OF EDMUNDO HIDALGO

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept the resignation of Edmundo Hidalgo, effective September 1, 2002. Mr. Hidalgo served on The Industrial Development Authority, representing District 5. (ADM4500-001)

PUBLIC HEARING SCHEDULED - DESERT FOOTHILLS NORTH IMPROVEMENT DISTRICT

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Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to schedule a public hearing for 9:00 a.m., Wednesday, October 2, 2002, on the petition to organize the Desert Foothills North Improvement District. Petitions with the requisite number of signatures have been presented requesting the formation of this district. (C64030587) (ADM4302)

ROAD FILE DECLARATIONS

Petitions have been filed for declaration of the following roads into the County highway system. Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to schedule hearings for 9:00 a.m., Wednesday, October 16, 2002:

Road File A195: General vicinity of Circle Mountain Road from 13th Avenue to 3rd Avenue, from 3rd Avenue to New River road, and a portion of 7th Avenue from Calvary Road to Circle Mountain Road, and a portion of 3rd Avenue, from Calvary Road to Circle Mountain Road. (C64030555) (F22959)

Road File A233: General vicinity of 82nd Street from end of maintenance north to Palm Lane. (C64030525) (F23073)

Road File A236: General vicinity of 103rd Street northerly from McLellan Road to McKellips Road. (C64030505) (F23074)

Road File A237: General vicinity of 104th Street from the Signal Butte Floodway northerly to McLellan Road. (C64030535) (F23075)

Road File A238: General vicinity of Hermosa Vista Drive from 80th Street to 82nd Street. (C64030545) (F23076)

Road File A239: General vicinity of Iris Road from 101st Street to 103rd Street. (C64030515) (F23077)

HEARING SCHEDULED - PLANNING AND ZONING CASES

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to schedule a public hearing on any Zoning and Building Code cases in the unincorporated areas of Maricopa County for October 2, 2002, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows. (List retained in accordance with the Arizona State Department of Library Archives and Public Records retention schedule.)

Z2002-063

INDUSTRIAL DEVELOPMENT AUTHORITY MULTIFAMILY HOUSING REVENUE SENIOR BONDS (RANCHO DEL SOL APARTMENTS PROJECT)

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to adopt the following captioned resolution, on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with Arizona State Libraries, Archives, and Public Records (ASLAPR). "This item is being considered by the Board solely to satisfy the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended, and the requirement of A.R.S. §35-721B, that the Board approve the proceedings under which bonds of the Industrial Development Authority of the County of Maricopa are issued." (ADM4792)

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY,
ARIZONA, APPROVING THE ISSUANCE OF THE INDUSTRIAL DEVELOPMENT
AUTHORITY OF THE COUNTY OF MARICOPA MULTIFAMILY HOUSING REVENUE**

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SENIOR BONDS (RANCHO DEL SOL APARTMENTS PROJECT), SERIES 2002A (THE "SERIES A BONDS"); ITS MULTIFAMILY HOUSING REVENUE SUBORDINATE BONDS (RANCHO DEL SOL APARTMENTS PROJECT), SERIES 2002B (THE "SERIES B BONDS"); AND ITS MULTIFAMILY HOUSING REVENUE JUNIOR SUBORDINATE BONDS (RANCHO DEL SOL APARTMENTS PROJECT), SERIES 2002C (THE "SERIES C BONDS" AND TOGETHER WITH THE SERIES A BONDS AND THE SERIES B BONDS, THE "BONDS"), IN AN AGGREGATE PRINCIPAL AMOUNT NOT-TO-EXCEED \$14,000,000.

MINUTES

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve minutes of the Board of Supervisors meeting held August 7, 2002.

PRECINCT COMMITTEEMEN

There were no requests to approve the appointment or removal of precinct committeemen pursuant to A.R.S. 16-231.B. (ADM1701)

SECURED TAX ROLLS

No tax rolls were submitted at this time.

OFFICIAL APPOINTMENT AND OATH OF OFFICE – CLERK OF THE BOARD

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to authorize the Official Appointment and Oath of Office of Joshua P. Harts as special deputy clerk in matters related to service of process, claims, and resolutions, in the Office of the Clerk of the Board of Supervisors.

OFFICIAL APPOINTMENTS AND OATHS OF OFFICE - CLERK OF THE SUPERIOR COURT

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to authorize the Official Appointments and Oaths of Office of Rebecca Walker, Heather Eakin, Kimberly Kape, Beatriz Tejeda, Danielle Humphrey, Yvonne Flores, Mary R. Flury, Judith Sweador, as special deputy clerks in the Office of the Clerk of the Superior Court.

OFFICIAL APPOINTMENTS AND OATHS OF OFFICE - COUNTY RECORDER

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to authorize the Official Appointments and Oaths of Office of Anne Del Rosso and Renee Sandoval as special deputy recorders in the Office of the County Recorder.

DUPLICATE WARRANTS

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the request to issue duplicate warrants to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

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COUNTY

Name	Warrant	Fund	Amount
Robert O'Brien	13-000152343	779	\$941.50

SCHOOL

Name	School	Warrant	Amount
Ralph B. Crabtree	Mesa	72-0094276	\$1,001.80
Erin Cummings	Mesa	72-0099968	\$986.73
Judy Delph	Isaac #5	43-0013933	\$100.00
Az Radiator Exchange	Alhambra	42-0122454	\$105.00
Gregory Horine	Alhambra	13-0030170	\$1012.10
Aide C. Martinez	Murphy #21	13-0024146	\$482.08
APS	Supt. of Schools	43-5370	\$14,339.01
Herendico Cancino Seiga	Alhambra #8	12-0137122	\$223.23
Marian Sue Youngker	Arlington #47	43-0014533	\$79.00

STALE DATED WARRANTS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to find that claims presented pursuant to A.R.S. §11-644 are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

Ronald Neff \$1,121.58

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the settlement of tax cases, list dated September 18, 2002. (ADM704)

1998 / 1999 / 2000	2001/2002	2002/2003
2000	TX 01-000548	ST 02-000013
TX 99-000584	2002	CV 01-021606
2000/2001	ST 01-000220	TX 01-000379
ST 02-000044	TX 02-000003	2003
2001	TX 02-000012	ST 02-000019
TX 00-000691	TX 01-000589	

CLASSIFICATION CHANGES

Pursuant to A.R.S. §42-12054, motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the Assessor's recommendation to change classification and/or reduce the valuation of certain properties which are now owner occupied. (ADM723)

PARCEL NO.	YEAR	OWNER	CLASS FROM	CLASS TO
101-54-011	2000	Maria Ramos	LC/4	LC/3
101-54-011	2001	Maria Ramos	LC/4	LC/3
101-54-011	2002	Maria Ramos	LC/4	LC/3

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102-20-015	2000	Reyna Quintero	LC/4	LC/3
102-20-015	2001	Reyna Quintero	LC/4	LC/3
102-20-015	2002	Reyna Quintero	LC/4	LC/3
102-50-074	2000	Willard Bothof	LC/4	LC/3
102-50-074	2001	Willard Bothof	LC/4	LC/3
102-50-074	2002	Willard Bothof	LC/4	LC/3
102-82-090	2002	Donald Polk	LC/4	LC/3
103-10-027	2000	Alberto Araiza	LC/4	LC/3
103-10-027	2001	Alberto Araiza	LC/4	LC/3
103-10-027	2002	Alberto Araiza	LC/4	LC/3
109-35-012A	2000	Hazel Canfield	LC/4	LC/3
109-35-012A	2001	Hazel Canfield	LC/4	LC/3
109-35-012A	2002	Hazel Canfield	LC/4	LC/3
113-18-015	2000	Liseo Villanueva	LC/4	LC/3
113-18-015	2001	Liseo Villanueva	LC/4	LC/3
113-18-015	2002	Liseo Villanueva	LC/4	LC/3
119-03-070B	2000	Lillian Johnson	LC/4	LC/3
119-03-070B	2001	Lillian Johnson	LC/4	LC/3
119-03-070B	2002	Lillian Johnson	LC/4	LC/3
119-10-064	2000	Valerie Kossak	LC/4	LC/3
119-10-064	2001	Valerie Kossak	LC/4	LC/3
119-10-064	2002	Valerie Kossak	LC/4	LC/3
123-18-070	2000	Walter Johnson	LC/4	LC/3
123-18-070	2001	Walter Johnson	LC/4	LC/3
123-18-070	2002	Walter Johnson	LC/4	LC/3
132-71-097	2000	Gerald Powers	LC/4	LC/3
132-71-097	2001	Gerald Powers	LC/4	LC/3
132-71-097	2002	Gerald Powers	LC/4	LC/3
144-82-026	2000	Sergio Munoz	LC/4	LC/3
144-82-026	2000	Sergio Munoz	LC/4	LC/3
144-82-026	2000	Sergio Munoz	LC/4	LC/3
150-24-025	2000	Ouida D Wright	LC/4	LC/3
150-24-025	2001	Ouida D Wright	LC/4	LC/3
150-24-025	2002	Ouida D Wright	LC/4	LC/3
151-21-102	2000	Floyd E Rockwell	LC/4	LC/3
151-21-102	2001	Floyd E Rockwell	LC/4	LC/3
151-21-102	2002	Floyd E Rockwell	LC/4	LC/3
167-27-512	2001	Joseph Pearson	LC/4	LC/3
167-27-512	2002	Joseph Pearson	LC/4	LC/3
171-27-225	2000	Daniel Saari	LC/4	LC/3
171-27-225	2001	Daniel Saari	LC/4	LC/3
171-27-225	2002	Daniel Saari	LC/4	LC/3
173-31-079	2000	Betty J Noble	LC/4	LC/3
173-31-079	2001	Betty J Noble	LC/4	LC/3
173-31-079	2002	Betty J Noble	LC/4	LC/3
173-35-465	2000	Nola J Edelson	LC/4	LC/3
173-35-465	2000	Nola J Edelson	LC/4	LC/3
173-35-465	2000	Nola J Edelson	LC/4	LC/3
232-01-030	2002	Maria Winfrey	LC/4	LC/3
301-49-217	2002	Martin Jones	LC/4	LC/3

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302-77-966	2000	Frances Gallimore	LC/4	LC/3
302-77-966	2001	Frances Gallimore	LC/4	LC/3
302-77-966	2002	Frances Gallimore	LC/4	LC/3

PUBLIC COMMENT

No member of the public came forward to speak at this time. (ADM605)

SUPERVISORS' COMMENTS

Chairman Stapley said that this is Citizenship Week in commemoration of the Constitution. He asked all citizens to think about the meaning to them personally, as well as to the country, of holding our freedoms sacred. (ADM606)

Supervisor Brock said that the Arizona primary election was just completed and congratulated the elections department on a job well done. He said that it is every American's privilege to vote and yet, both statewide and nationwide, only a very small percentage of eligible people voted, and that this trend needs to be reversed.

Supervisor Wilson also expressed concern about the apathy of voters and the irresponsibility displayed by portions of the media, saying he'd heard one radio station advise listeners to "vote no on everything."

Supervisor Wilcox said that it is America's Constitution that defines us as a democracy and this is partially due to the fact that in America we can vote for who we want. If only 20% of the qualified voters actually accept their responsibility, that's two out of every ten people, and she said that was a very sad commentary. She added, "If you want only a few people to determine your best interests, then don't vote."

Chairman Stapley said, "We need to see that our children learn that it is their responsibility to vote and that it isn't an option."

PLANNING AND ZONING

David Smith left the dais at the end of this portion of the Board meeting. Members, as given above, remained in session. Joy Rich, Director of Planning and Development, Darren Gerard, Principal Planner, and David Benton, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

CONSENT AGENDA DETAIL:

1. **S2001-014 District 2**
 Applicant: D.R. Horton
 Location: West of the northwest corner of Power Road and University Drive (in the east Mesa area)
 Request: Final Plat in the R-3 R.U.P.D. zoning district for Silverstone (approximately 28.25 acres)

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the final plat.

2. **S2002-047 District 3**

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Applicant: Beus Gilbert for Apache Peak Development, L.L.C.
Location: Northwest corner of the 16th Street and Maddock Road alignment (in the Desert Hills area)
Request: Amended Final Plat (Re-plat) in the Rural-43 zoning district for Apache Peak III (approximately 40.16 acres)

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the amended final plat.

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Don Stapley, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board